

Appl. No. : 09/976,679
Filed : October 12, 2001

REMARKS

The following remarks describe Applicants' response to the Examiner's Restriction Requirement and also describe amendments to Claims 4, 5 and 20.

Restriction Requirement

In response to the Restriction Requirement mailed September 10, 2003, Applicants hereby provisionally elect the embodiments of Figures 6 and 7 (identified as species No. 1) for prosecution on the merits. Applicants submit that at least Claims 1-2, 4, 7-9, 17-19, 21 and 24 are readable on the elected embodiments.

Applicants respectfully traverse the requirement for election between the species identified as Nos. 1-2, 6 and 7. In particular, species Nos. 1-2, 6 and 7 each relates to a medical device comprising an elongate tubular body (e.g., see element 22), an inner wire (e.g., see element 24) slidably located within a lumen of the tubular body, an expandable member (e.g., a balloon) connected to the distal end of the tubular body, and a coil (e.g., see element 102) extending over the inner wire at a proximal end thereof.

Accordingly, Applicants submit that provisionally elected independent Claims 1 and 17 and provisionally elected dependent Claims 2, 4, 7-9, 18-19, 21 and 24 generically read on all four species Nos. 1-2, 6 and 7. Therefore, in view of the foregoing, Applicants respectfully request that the Examiner modify the requirement for election such that species Nos. 1-2, 6 and 7 are grouped together for examination, as provided for under 37 C.F.R. §1.141.

Amendments to Claims 4, 5 and 20

Claim 4 has been amended to depend on Claim 2 in order to provide proper antecedent basis for the term "proximal hypotube." Claim 5 has been amended to replace "hypotube" with "elongate tubular body" to provide proper antecedent basis. Claim 20 has been amended to provide proper antecedent basis for the term "gap."

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Status Identifiers

In the listing of the claims, provisionally elected Claims 1-2, 4, 7-9, 17-19, 21 and 24 are identified as "original," with the exception of Claim 4, which is identified as "currently amended" for the reason discussed above. The remaining non-elected claims are identified as "withdrawn." Please note the Claims 25 and 26 were previously withdrawn in the response to the Restriction Requirement mailed on May 20, 2003.

Respectfully submitted,

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Dated: October 8, 2003

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